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Attorneys for Plaintiff
 Wingate Inns International, Inc.

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEW JERSEY**

WINGATE INNS INTERNATIONAL, INC.,
 a Delaware Corporation,

Plaintiff,

v.

VANDUR INN, INC., an Idaho Corporation;
 ROBERT DURHAM, an individual; and
 PEGGY DURHAM, an individual,

Defendants.

HONORABLE JOSE L. LINARES
 Civil Action No. 12-04622 (JLL)(MAH)

**FINAL JUDGMENT BY DEFAULT
 AS TO VANDUR INN, INC.**

(Document Filed Electronically)

This matter having been opened to the Court by plaintiff, Wingate Inns International, Inc., ("WII"), by its attorneys, Day Pitney LLP, seeking the entry of final judgment by default against defendant Vandur Inn, Inc. ("Vandur"), pursuant to Fed. R. Civ. P. 55(b)(2); and it appearing that the Complaint in this matter was filed on July 24, 2012, seeking damages as a result of the breach of a franchise agreement between WII and Vandur, and breach of a promissory note; and service of a copy of the Summons and Complaint having been effectuated with respect to Vandur by personally serving Vandur's registered agent in Twin Falls, Idaho on August 10, 2012; and it appearing that default was duly noted by the Clerk of the Court against Vandur on August 28, 2012 for its failure to plead or otherwise defend in this action; and defendants Robert Durham and Peggy Durham

having filed a petition for bankruptcy in the United States Bankruptcy Court for the District of Idaho on August 28, 2012; and the Court having stayed the action only as to Robert Durham and Peggy Durham; and the Court having reviewed the papers; and good cause having been shown; *and no timely opposition having been filed:*

IT IS on this 11 day of October, 2012,

ORDERED, ADJUDGED, AND DECREED that WII have final judgment against Vandur Inn, Inc. in the total amount of \$375,654.00, comprised of the following:

- a) \$88,548.36 for Recurring Fees (principal plus prejudgment interest);
- b) \$279,174.96 for amounts outstanding on a promissory note (principal plus prejudgment interest); and
- c) \$7,930.68 for attorneys' fees and costs; and it is further

ORDERED, ADJUDGED AND DECREED, that this action shall remain stayed with respect to WII's claims against defendants Robert Durham and Peggy Durham until such time as the automatic stay pursuant to 11 U.S.C. § 362(a) is lifted; and it is further

ORDERED, ADJUDGED AND DECREED, that because there is no just reason for delay of this Order, pursuant to Fed. R. Civ. P. 54(b), this Order constitutes a final judgment entered against defendant Vandur Inn, Inc.; and it is further

ORDERED, ADJUDGED AND DECREED, that beyond the date of this Order, post-judgment interest with respect to the total amount of this Judgment will continue to accrue at the rate allowed by law until the Judgment is paid in full.


HON. JOSE L. LINARES, U.S.D.J.